IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 32231 of 2007(K)

PETITIONER:

N.K.BALAKRISHNAN, S/O. KUNJUKUTTY,
AGED 61, HOUSE NO.2965, CHURCH ROAD,
PALLINADA, KOCHI-25.

BY ADV. SMT.P.K.SANTHAMMA
SMT.K.GIRIJA

RESPONDENTS:
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1. **REGIONAL PROVIDENT FUND COMMISSIONER,**
   EMPLOYEES PROVIDENT FUND ORGANISATION,
   REGIONAL OFFICE, 28/ WASIRPUR - INDUSTRIAL AREA,
   DELHI-110 052.

2. **THE ASST. GENERAL MANAGER (CPF),**
   FOOD CORPORATION OF INDIA, HEAD QUARTERS,
   16-20, BARAKHAMBA LANE, NEW DELHI-110 001.

3. **THE EXECUTIVE DIRECTOR (SOUTH),**
   FCI - ZONAL OFFICE, NO.3 HADDOWS ROAD,
   NUNGAPPAKKAM, CHENNAI-6.

4. **THE DISTRICT MANAGER,**
   FOOD CORPORATION OF INDIA, DISTRICT OFFICE,
   M.G.ROAD, KOCHI-1.

BY ADV. SRI.P.JACOB VARGHESE, SC, FCI
SMT.T.N.GIRIJA SC., EPF

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 06/11/2007, ALONG WITH WPC 32235/2007 AND CONNECTED CASES THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V. GIRI ,J.

WP(C).Nos.32231,32235,32243,
32626 and 32516 of 2007

Dated this the 6th day of November, 2007

JUDGMENT

Common issues have been raised in all these writ petitions and therefore they have been heard together and are disposed of by a common judgment.

2. Petitioners were employees of the Food Corporation of India. In the case of the petitioners in Writ Petition No.32243/2007,they retired from service as Regional Manager of the Food Corporation of India, District Office, Bangalore. Employees Family Pension Scheme was introduced in FCI in 1996. The details of the employees pension scheme is contained in Ext.P1, produced along with Writ Petition No.32231/2007. It is admitted that all the petitioners are members of the employees pension scheme, which is a contributory pension scheme. Payment of contribution is as per clause - iii of Ext.P1. All the petitioners have eligible service and are entitled to get pension. Their grievance is that necessary returns are not forwarded to the first respondent, the Regional Provident Fund Commissioner and therefore the pension is yet to be disbursed to them.

3. Mr. Jacob Varghese, learned standing counsel for the Food

corporation of India, on instructions, submits that he has already instructed the competent authority to forward the annual returns, in relation to all the petitioners and needful shall be done without any further delay. Standing counsel for the first respondent Smt.Girija submits that immediately on receipt of the annual returns from the FCI, steps will be taken to disburse the pension due and admissible to the petitioners. These submissions are recorded.

4. In the circumstances, the writ petitions are disposed of in the following terms:

1) Annual returns, relating to the petitioners, for the purpose of Employees Pension Scheme, shall be forwarded by the concerned District Manager of the Food Corporation of India (Regional Manager in the case of W.P.(C)No.32243/2007), as expeditiously as possible, at any rate, within a period of one month from the date of receipt of a copy of this judgment, to the first respondent - Regional Provident Fund Commissioner.

2) Immediately on receipt of the said annual returns from the District Manager of the Food Corporation of India, the first respondent-Regional Provident Fund Commissioner shall verify the eligibility of the petitioners in relation thereto and then proceed to disburse pension due and admissible to them, within a period of one month thereafter.

It is made clear that if there is delay in forwarding of the annual returns, then the Food Corporation of India will be made liable for payment of interest for the amount due to the petitioners, after the period of one month as mentioned above. Similarly, if there is delay in the disbursal of pension due to the petitioners, after receiving of the annual return, first respondent will also liable to pay interest to the petitioners for the delayed payment.

V. GIRI, JUDGE

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